



#17
5/6/04
AW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John Quernemoen et al. Confirmation No.: 1831
Serial No.: 09/515,158 Examiner: Dodds, Harold E.
Filed: February 29, 2000 Group Art Unit: 2177
For: BUILT IN HEADROOM FOR AN NT SYSTEM SIZER
Docket No.: RA-5247 (1028.1126101)

RECEIVED

APR 30 2004

Technology Center 2100

RESPONSE TO RULE 1.105 REQUIREMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE UNDER 37 C.F.R. 1.8: I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on this 23rd day of April, 2004.

By: Brian N. Tufts

Dear Sir:

This response is being filed in response to the Examiner's Requirement under 37 C.F.R. § 1.105 mailed February 23, 2004. In the Requirement under 37 C.F.R. § 1.105, the Examiner states:

Please provide the date of publication, date available to the public and any confidentiality agreements with outside individuals and/or organizations appropriate to the "User Guide" document appendix. Further, please provide this information for versions of the "User Guide" document that were published prior to Version 2.80 and provide a statement as to whether these versions described the Unisys Enterprise NT Sizer, whether any of these prior versions lacked any of the critical elements of the proposed invention claimed in Patent Application No. 09/515,158, and the identities of the missing critical elements.

In response, please find a SUPPLEMENTAL DECLARATION UNDER RULE 1.131 of the inventors. The Supplemental Declaration states that the NT Sizer User Guide shown in Exhibit 2 was not published or made available to the public more than one year prior to the filing date of the above-identified patent application; and that neither were any prior versions of the NT Sizer User Guide. The Supplemental Declaration states that the NT Sizer User Guide shown in Exhibit 2, as well as all prior versions of the NT Sizer User Guide, were held as Confidential and Proprietary within Unisys prior to February 28, 1999. The Supplemental Declaration also states that the same is true for the NTSizer_280.exe file, identified as the accompanying software, and all prior versions thereof.

The submission of the NT Sizer User Guide shown in Exhibit 2 is not intended to establish an enabling disclosure of the present invention, but rather is provided as evidence of the existence and functionality of the NTSizer_280.exe software. This software is a reduction to practice of the claimed invention.

In view of the foregoing, Applicants believe that all pending claims 1-3 and 5-20 are in condition for allowance. Reexamination and reconsideration are respectfully requested. If the Examiner believes it would be beneficial to discuss the application or its examination in any way, please call the undersigned attorney at (612) 359-9348.

Application No. 09/515,158
Response dated April 22, 2004
Response To Rule 1.105 Requirement dated February 23, 2004

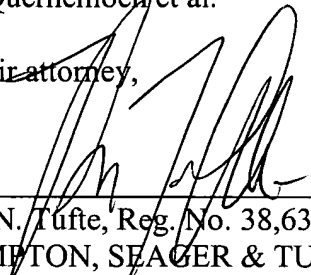
Respectfully submitted,

John Quernemoen et al.

By their attorney,

Dated:

April 23, 2004



Brian N. Tufte, Reg. No. 38,638
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, MN 55403-2402
Telephone: (612) 677-9050
Facsimile: (612) 359-9349